

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS J. STOUT, et al.,

No. 2:20-cv-01674-CKD P

Plaintiffs,

v.

THEODORE CURTIS ROWE, et al.,

ORDER AND
FINDINGS AND RECOMMENDATIONS

Defendant.

Plaintiffs are two state prisoners proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff Stout has filed a motion to proceed in forma pauperis. However, plaintiff Rowe has not filed any such motion. In light of the fact that this civil rights action was filed as a purported class action by both inmates, the court will deny the pending motion to proceed in forma pauperis as incomplete.

By order filed August 31, 2020, plaintiffs' complaint was dismissed and thirty days leave to file an amended complaint was granted. Following an extension of time, plaintiffs have not filed an amended complaint in the time period provided.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff Stout's motion to proceed in forma pauperis (ECF No. 11) is denied as incomplete.
2. The Clerk of Court shall randomly assign this matter to a district court judge.

1 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice. See
2 Local Rule 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
7 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
8 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
9 (9th Cir. 1991).

10 Dated: December 3, 2020

Carolyn K. Delaney

11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE
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